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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,017	12/19/2001	Li Shu	DPL-026	5849
51414	7590	07/05/2006	EXAMINER	
GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,017	SHU ET AL.	
	Examiner	Art Unit	
	Thong H. Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-32 are pending. Claims 33-36 are canceled [see Examiner Amendment].

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel E. Lehrer, Reg. No. 56,401 on 6/21/06.

The application has been amended as follows:

- Claims 33-36 have been canceled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection. Claims 1,6,8,27,29 have been amended. The Final action is appropriate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel [6,587,438 B1] in view Sautter et al [Sautter 7,031,309 B1].

4. As per claim 1, Brendel discloses An apparatus for transmitting a file through a network, apparatus comprising:

a file-splitting processor for splitting a file (web page) into a plurality of message segments and assigning one of a plurality of final different destination addresses to each segment and the plurality of final different destination addresses being assigned to a receiving host; a message segment transmitter for transmitting the plurality of message segments to the receiving host using the plurality of final different destination addresses [Brendel, a web page generating multiple packets with different network paths, col 17 lines 10-45; multiple packets with the same final destination IP address, col 10 lines 57-64].

However Brendel does not explicitly detail the final destination address as final different destination addresses;

In the same endeavor, Sautter discloses a user data protocol for Internet data communications involves a multi-addressing capability using a plurality of destination node addresses including a different final destination address [Sautter, col 40 lines 16-42]

Therefore it would have ben obvious to an ordinary skill in the art at the time the invention was made to incorporate the a different final destination address as taught by Sautter into the Brendel's apparatus in order to utilize the final destination addresses.

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Doing so would provide an improved user data protocol which eliminates many of problems [Sautter, col 2 lines 26-41].

5. Claims 6,8,27,29 and 33 contain the similar limitations set forth in claim 1.

Therefore, claims 6,7 are rejected for the same rationale set forth in claim 1.

6. Claims 2-5,7,8-26,28 contain the inherent features of the limitations set forth in claims 1,6,8,27 respectively. Therefore, claims 2-5,7,8-26,28 are rejected for the same rationale set forth in claims 1,6,8,27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel [6,587,438 B1] in view Sautter et al [Sautter 7,031,309 B1] and further in view of Cook [2004/0025057 A1].

7. As per claim 29, Brendel-Sautter disclose a method comprising:

(a) splitting the file into a plurality of message segments, each message segment comprising one of a plurality of different final destination specifiers attributed to a final destination host [Brendel, a web page generating multiple packets with different network paths, col 17 lines 10-45; Sautter, different final destination address, col 40 lines 16-42],

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encrypted protocol information, and encrypted message data [Sautter, encoding, col 37 line 65-col 38 line 16];

(b) receiving a message segment at a receiving host [Sautter, message, abstract];

(d) encrypting the message data in accordance with an encryption protocol accessible to the final destination host [Sautter, encoding, col 37 line 65-col 38 line 16];

(e) transmitting the encrypted message segment to the final destination host [Sautter, encoding, col 37 line 65-col 38 line 16]; and thereby facilitating recovery of the message by the final destination host [Sautter, recovery action, col 26 lines 40-59].

However Brendel-Sautter does not explicitly detail

(c) decrypting the message data to determine the final destination host;

It was well-known in the electronic messaging art that an encoded message will be decoded at the destination host as taught by Cook [0047,0064,0073,0104] and process can be repeated such as (f) repeating steps (a)-(e) for other message segments,

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the encryption/decryption process as taught by Cook into the Brendel-Sautter's apparatus in order to utilize the encoding and recovery processes. Doing would provide a universal interoperability between encryption and decryption engines [Cook, 0007].

8. As per claim 30, Brendel-Sautter-Cook disclose the message segment has a length, and further comprising altering the length [Sautter, maximum length, Fig 23].

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9. As per claim 31, Brendel-Sautter-Cook disclose the receiving host and the final destination host negotiate to determine the encryption protocol [Sautter, encoding, col 37 line 65-col 38 line 16].

10. As per claim 32, Brendel-Sautter-Cook disclose causing the receiving host to adding status information concerning the receiving host to the message segment, and, at the receiving host, interpreting the status information to detect tampering with message segment transmission [Sautter, status report, col 35 lines 17-35].

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

